

REMARKS

Applicant has amended the claims 1, 4 through 7, 9 and 10, cancelled the claims 2, 3 and 8 without prejudice, and amended the specification. Applicant respectfully submits that these amendments to the claims and specification are supported by the application as originally filed and do not contain any new matter. Accordingly, the Office Action will be discussed in terms of the claims and specification as amended.

The Examiner has suggested the arrangement of the specification. Applicant has amended the arrangement of the specification to completely comply with the guidelines.

The Examiner has objected to the disclosure stating that the mentioning of the claim numbers in paragraphs [0006] through [0015] is not recommended. Applicant has amended these paragraphs to eliminate the reference to claim numbers.

The Examiner has further objected to the claims 1 through 10 because of certain informalities. Applicant has amended the claims so that at least the first usage of the terms are contained therein and respectfully requests that the Examiner withdraw his rejection.

The Examiner has rejected the claims 4 through 7 and 9 under 35 USC 112, second paragraph as being indefinite. Applicant has amended the claims 4 through 7 and 9 and respectfully submits that they now comply with the requirements of 35 USC 112, second paragraph.

The Examiner has rejected the claims 1 through 7 and 9 through 10 under 35 USC 103 as being obvious over Phan et al. in view of Degen et al. stating that Phan et al. teaches a tissue in which cationic agents, a softening agent, along with wet strength resins are added to the pulp, but does not teach dyeing of the tissue as claimed; Degen et al. teaches coloring of papers using dye and a cationic fixing agent; and it would have been obvious to one of ordinary skill in the art to modify Phan et al. in view of the teachings of Degen et al.

In reply thereto, Applicant respectfully submits that neither Phan et al. nor Degen et al. disclose that the embossing-pressure imparted area makes up 5 to 20% of the total. Still further, Applicant respectfully submits that the softening agent prevents the paper from becoming stiff due to the use of a paper strength agent and the dye and the amount of paper strength agent, dye and softening agent is defined in the claims and is not disclosed in any of the art cited by the Examiner.

Accordingly, Applicant respectfully submits that the claims 1, 4 through 7, 9 and 10 are not obvious over Phan et al. in view of Degen et al.

The Examiner has also rejected the claim 8 under 35 USC 103 as being obvious over Phan et al. in view of Degen et al. and further in view of Kotani et al. stating that Phan et al. and Degen et al. teach all of the present invention except for embossing a tissue, covering from 3 to 35 % of it; and it would be obvious to modify the combination of Phan et al. and Degen et al. as taught by Kotani et al.

In reply to this rejection, Applicant would like to incorporate by reference his comments above concerning Applicant's invention, Phan et al. and Degen et al. In addition, Applicant has carefully reviewed Kotani et al., particularly page 3, lines 10 through 9. From Applicant's review, Applicant respectfully submits that the Examiner has misunderstood the teachings of Kotani et al. In particular, Applicant directs the Examiner's attention to page 7, lines 6 through 14 where a more definitive description is given. In particular, Applicant respectfully submits that the total area discussed is the distinctive lands 16, in other words the portion which is not embossed. Accordingly, Applicant respectfully submits that Kotani et al. actually teaches that the embossed area comprises 65 to 97%.

In view of the above, therefore, Applicant respectfully submits that the combination suggested by the Examiner is not Applicant's invention and the claims 1, 4 through 7, 9 and 10 are not obvious over Phan et al. in view of Degen et al. and Kotani et al.

Accordingly, it is respectfully requested that this Amendment be entered, favorably considered and the case passed to issue.

Please charge any additional costs incurred by in order to implement this Amendment or required by any requests for extensions of time to QUINN EMANUEL DEPOSIT ACCOUNT NO. 50-4367.

Respectfully submitted,


By 

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Name

Signature

12/16/2008

Date